REMARKS/ARGUMENTS

Claims 1-36 are pending in this application and presented for reconsideration. Claim 1 has been amended.

A. The Applicant sincerely thanks the Examiner for allowing claims 22-29 and indicating that claims 2-10, 13-20, 31 and 33-36 contain allowable subject matter. The Applicant respectfully submits that all the pending claims are in condition for allowance in light of the remarks below and would like to reserve the right to rewrite the claims pending further prosecution on the merits.

B. Claims 11 and 21 are rejected under 35 U.S.C.§ 102(e) as being allegedly anticipated by Chopping (U.S Patent No. 6,442,163). Applicant respectfully traverses this rejection.

Applicant submits that Chopping fails to teach or suggest at least the features of a second circuit that checks whether the framed data is normal, and provides a releasing state according to a checking result, wherein the framed data is reframed data. Chopping discloses a frame alignment signal detector in Figure 2. In col. 2, lines 27-32, the cell frame aligner includes a depacketiser and a frame alignment signal detector. The frame alignment signal detector detects a frame alignment signal in the non-continuous data stream and generates an associated frame start signal and a loss of frame alignment signal as appropriate. A frame aligner accepts the non-continuous data stream and its associated frame start signal, except in

the presence of a loss of frame alignment signal and aligns the non-continuous data stream to clock and frame start signals of the functional unit.

In Chopping, the frame alignment signal is detected in originally framed data and not reframed data. The frame aligner of Chopping accepts the non-continuous data stream and its associated frame start signal, except in the presence of a loss of alignment signal. In other words, if the data stream is not properly aligned, the data is not processed.

In Chopping, the fill-in generator, upon the failure of a valid cell to arrive, causes the replacement of the missing cell by a fill-in cell in the non-continuous data stream. A fill-in cell is used to replace a missing cell. This is in contrast to the Applicant's usage of reframed data. Applicants respectfully submit that reframing data reframes existing data, while a fill-in cell is new data that is used as a placeholder or placekeeper for a missing cell. Thus, a fill-in cell in Chopping would not teach or suggest a second circuit...that outputs reframed data and combinations thereof as recited in claim 1.

Thus, Applicant respectfully submits that Chopping fails to teach or suggest at least these features and combinations thereof as variously recited in claim 11. Accordingly, Applicant respectfully requests withdrawal of the rejection of claim 11 under 35 U.S.C. § 102(e) in view of Chopping.

Claim 21 is a dependent claim that depends upon independent claim 11 and should be allowable for at least the same reasons presented above regarding independent claim 11 as well as for the additionally recited features found in claim 11. Therefore, for at least these

reasons, it is respectfully requested that the rejection be withdrawn and that claim 21 be allowed.

Claims 1 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Keller et al. (U.S. Patent No. 5,671,227) in view of Hernandez-Valencia (U.S. Patent No. 6,266,327). Applicant respectfully traverses the rejection.

Applicant submits that Keller et al., alone or in combination with Hernandez-Valencia, fails to teach or suggest at least the features of a first circuit that detects a frame start point of input data based on a frame alignment signal defined in framed data of a digital hierarchy signal, and a second circuit that excludes the input data having an improper start point based on a frame start point detecting value and outputs reframed data having a normal frame format.

Keller et al. discloses transmitting and detecting the beginning of the frame of a frame synchronized signal. In Figure 3, the first detection circuit 1 is supplied with the serial data of a plesiochronous signal. In the first detection circuit:

> The serial data of the plesiochronous signal are written in the shift register 4. The parallel outputs of the shift register 4 are connected to a first input of a comparator 5. The second input of the comparator 5 is coupled to a register 6 which supplies a first bit sequence to the comparator 5. The first bit sequence ("1111011000101000") has a structure corresponding to the control indication bits FA1 and FA2 of the 34368 kbit/s signal. The comparator 5 applies a first detection signal D1 to the evaluation circuit 3. The first detection signal D1 is in a first state if the comparator establishes that the same bit sequences are supplied to its two inputs. In the other cases, if the two bit sequences are not the same, the first detection signal is in a second state.

There is no teaching or suggestion of detecting a frame start point of the input

data based on a frame alignment signal defined in a framed data of a digital hierarchy signal.

Additionally, the Office Action acknowledges that Keller et al. fails to disclose a second circuit that excludes the input data having an improper start point based on a frame start point detecting the value, and outputs reframed data having a normal frame format.

The Office Action then applies Hernandez-Valencia as a secondary reference, in an attempt to make up for the deficiencies of the primary reference, Keller et al. Hernandez-Valencia discloses a non-conformance indicator for guaranteed frame rate service. In col. 2, lines 57-60, the Payload Type Indicator (PTI) of an ATM cell header is used to indicate whether that cell belongs to a non-conforming frame or a conforming frame. In column 9, lines 21-22, a check is made to see if the frame conforms. If the frame conforms, conformance testing continues. Again, Hernandez-Valencia fails to teach or suggest at least the feature of outputting reframed data having a normal frame format. Hernandez-Valencia indicates whether a cell belongs to a non-conforming frame or a conforming frame and uses this information in conformance testing. There is no teaching of using reframed data in the manner claimed by the Applicant.

Thus, Applicant respectfully submits that Keller, alone or in combination with Hernandez-Valencia, fails to teach or suggest at least these features and combinations as variously recited in claims 1 and 30. Accordingly, Applicant respectfully requests

withdrawal of the rejection of claims 1 and 30 under 35 U.S.C. § 103(a), in view of Keller and Hernandez-Valencia.

Claim 32 is a dependent claim that depends upon independent claim 1 and should be allowable for at least the same reasons presented above regarding independent claim 1 as well as for the additionally recited features found in claim 1. Therefore, for at least these reasons, it is respectfully requested that the rejection be withdrawn and that claim 32 be allowed.

Claim 12 is rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Chopping in view of Hernandez-Valencia. Applicant respectfully traverses the rejection.

Applicant submits that Chopping, alone or in combination with Hernandez-Valencia, fails to teach or suggest at least the features of a detector that checks first constant bits inputted on a frame start pulse location of the framed data, and generates one of a releasing enable signal or a declaring enable signal based on the first constant bits. Also, neither Chopping nor Hernandez-Valencia uses reframed data in the manner claimed by the Applicant and explained above.

The Examiner acknowledges that Chopping fails to disclose a detector that checks first constant bits inputted on a frame start pulse location of the framed data, and generates one of a releasing enable signal or a declaring enable signal based on the first constant bits.

The Office Action then provides Hernandez-Valencia as a secondary reference in an attempt to make up for the deficiencies of the primary reference. In Hernandez-Valencia, a Payload Type Indicator (PTI) Field (a three bit field). The PTI field is used to indicate whether a cell belongs to a frame that has been found to be non-conforming to a respective traffic set. Also, for each received cell, a check is made for the non-conforming indication code (here the value of the PTI field). If the non-conforming indication code is detected, the frame (or only selected cells from the frame) is discarded.

Neither Chopping nor Hernandez-Valencia teaches or suggests a first circuit that detects a frame alignment signal in framed data and a second circuit that checks whether the framed data is normal and provides a releasing state according to a checking result and wherein the framed data is reframed data

Thus, Applicant respectfully submits Chopping, alone or in combination with Hernandez-Valencia, fails to teach or suggest at least these features and combinations as recited in claim 12. Accordingly, Applicant respectfully requests withdrawal of the rejection of claim 12 under 35 U.S.C. § 103(a) in view of Chopping and Hernandez-Valencia.

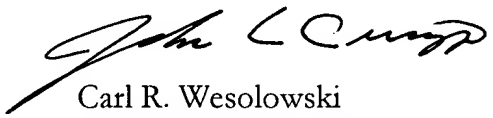
CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the

Examiner is invited to contact the undersigned attorney, **JOHN L. CICCOZZI**, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP



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